

FILED

Clerk

District Court

DEC - 3 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF THE NORTHERN MARIANA ISLANDS

For The Northern Mariana Islands
By _____
(Deputy Clerk)

UNITED STATES OF AMERICA,) CRIMINAL CASE NO. 05-00004-001
Plaintiff,)
vs.)
FERMINA M. ATALIG,)
Defendant.)

INFORMATIONAL REPORT

Re: Violation of a Pretrial Release Condition; No Action Requested

On August 10, 2006, Ms. Fermina Manglona Atalig was sentenced in the U.S. District Court for the Northern Mariana Islands after she was found guilty of one count of Conspiracy to Submit False Claims and to Make False Statements, in violation of 18 U.S.C. § 371, and seven counts of False Statements, in violation of 18 U.S.C. § 1001. She was sentenced to two years imprisonment for each count, to run concurrently, followed by three years of supervised release. Ms. Atalig has remained at liberty under the supervision of the U.S. Pretrial Services and Probation Office pending appeal of her conviction.

Ms. Atalig's conditions of release include: that she not commit any offense in violation of federal, state, or local law while on release; that she immediately advise the court, defense counsel, and the U.S. Attorney in writing before any change in address and telephone; that she appear at all proceedings as required and shall surrender for service of any sentence imposed as directed; that she report to the U.S. Probation Office for pretrial supervision services as directed; that she execute a \$25,000 unsecured bond; that she maintain or actively seek employment; that she surrender her passport to the Clerk of Court and obtain no new passport; that she not leave the island of Rota without written permission of the Court; that she avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution; that she refrain from possessing a firearm, destructive device, or other dangerous weapon; that she refrain from excessive use of alcohol; that she refrain from use or unlawful possession of a narcotic drug or other controlled substance as defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner; and that she draw a map indicating the location of her residence and provide the U.S. Marshal with a contact telephone number.

The defendant is alleged to have violated the following condition:

Special Condition: *The defendant shall not commit any offense in violation of federal, state, or local law while on release.*

INFORMATIONAL REPORT

Violation of a Pretrial Release Condition; No Action Requested

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On November 6, 2007, this officer received a phone call from Mr. Gregorio Sablan, Executive Director of the Commonwealth Election Commission, who reported that Ms. Atalig voted in the November 3, 2007 CNMI election, which is a violation of Title 1 of the Commonwealth Code, § 6201 (e). Furthermore, Ms. Atalig, who's name is not on the voter's registration list due to her federal conviction, voted under the name of Mr. Fermin Manglona Atalig. Mr. Sablan provided documentation to support his claim that Ms. Atalig fraudulently participated in the election. Among the documents provided was copy of a letter sent to Ms. Atalig on August 11, 2006 informing her that pursuant to CNMI law, she was disqualified from voting in any CNMI election until the conclusion of her term of supervised release.

On November 7, 2007, this officer visited Ms. Atalig in Rota and confronted her about the allegation. Ms. Atalig admitted that on November 3, 2007, she accompanied her husband to the polling location so he could vote in the election. While there, Ms. Atalig asked the two CNMI Election Commission Representatives if she could vote. Ms. Atalig stated that one of the women, who's name she could not recall, reviewed the voter registration list and mistook Mr. Fermin M. Atalig's name for her own. Ms. Atalig admitted that she did not look closely at the voter registration, which listed Mr. Atalig's sex and date of birth, and initialed next to his name and proceeded to cast her vote.

Ms. Atalig denied receiving Mr. Sablan's notice that she was disqualified from voting. She stated that she had no knowledge that she was barred from voting and would not have done so if she had been aware of the local law.

It is recommended that this report be for informational purposes only and no action be taken at this time. Any further violations will be reported to the Court accordingly.

Respectfully submitted,

ROSSANNA VILLAGOMEZ-AGUON
Chief U.S. Probation Officer

By:



MELINDA N. BRUNSON
U.S. Probation Officer

Reviewed by:



CARMEN D. O'MALLAN
U.S. Probation Officer Specialist
Supervision Unit Leader

cc: Craig N. Moore, Assistant U.S. Attorney
G. Anthony Long, Defense Counsel
File